

PATENT
MSB-7213



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: PETRA BOYLE)
 GAYLE D. WETZEL) DECLARATION UNDER
 KENNETH J. LEMBACH)
) 37 C.F.R. § 1.132
Serial No.: 08/026,957)
) EXAMINER: R. D. BUDENS
Filed: March 5, 1993)
) ART UNIT: 1806
For: HUMAN ANTI-TNF ANTIBODIES)

#8
5-10-94
8-10-94

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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GROUP 1800

Sir:

I, Gayle D. Wetzel, declare as follows:

1. I am a co-inventor in the above-identified Patent Application.
2. The Examiner objected to our amendment to the specification filed December 27, 1993 because our reference to our deposit with ATCC on May 11, 1993 of a hybridoma designated F448-1D1-A8, designated by ATCC as HB 11343 was considered new matter not supported by the original disclosure.
3. In the description of Figure 8 at page 6, between lines 22 and 23, we described the use of a monoclonal antibody designated "A8" in lane F of the illustrated western blot. The monoclonal antibody referred to as "A8" was expressed by the hybridoma designated as F448-1D1-A8 which was deposited on May 11, 1993 by me with the ATCC and designated ATCC HB 11343. Details of the deposit are shown on the enclosed true copy of the ATCC deposit confirmation sheet showing me as the depositor.

4. Also enclosed are copies of pages 33, 83, 85 and 86 of co-inventor Petra Boyle's lab notebook (RB 21867), pages 33, 83, 85 and 86, showing "F448-1D1-A8" and "A8" (a shorthand form) are the same and were used interchangeably to designate a specific monoclonal antibody expressed by a hybridoma identified by either appellation. Note all dates on the lab notebook pages are prior to the filing date of this Application and have been intentionally covered prior to copying.

5. I hereby verify that the three hybridomas deposited with ATCC (CRL 11306, HB 11343 and HB 11344) are identical to the corresponding hybridomas described in the Specification and were in my possession at the time the Patent Application was filed.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the Application or any patents issuing thereon.

7/25/94 CDW
Date

Gayle D. Wetzel
Gayle D. Wetzel, Ph.D.